IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2584 OF 2005

Wong Ho @ Lau Yet Lan ... Petitioner

V/s.

Atekabai Badruddin Golwala
since deceased through her heirs
Abbasbhai Badruddin Golwala & Ors. ... Respondents

Mr.A. Kumbhakoni i/b T.D. Deshmukh for Petitioner
Mr.H.P. Nagvekar for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 9, 2005**

P.C.:

. The Petition challenges the order of the appellate Court whereby the appellate Court had allowed the appeal filed against the judgment of the trial Court. The trial Court by its judgment had dismissed the suit filed by the respondents on the ground that the Petitioner had not made out a case for bonafide requirement of the suit premises. According to the trial Court, the Respondents had not moved to the premises, the tenancy of which was surrendered already by the tenants. It is further observed that had the respondents been serious about acquiring the suit premises, she would have occupied any one of the premises which were available to her in respect of 3 or

4 tenements.

2. The appellate Court has allowed the appeal by observing that all the tenanted premises which were on the ground floor of the suit building had a common toilet and except these premises, no other accommodation was available to the Respondents. The Appellate Court also found that the respondents are residing in tenanted premises and hence, their requirement is genuine and reasonable. The Appellate Court has observed that the Petitioner is not residing in the suit premises for several years. In these circumstances, the appellate Court decreed the suit. In my view, the appellate Court has rightly allowed the appeal and hence, Petition is dismissed.

3. Mr.Kumbhakoni, appearing for the Petitioner, seeks time for two years to vacate the premises. He submits that she does not want to live with anybody else at this stage of her life and, therefore, prays that the time to vacate be granted for two years. Mr.Nagvekar opposes the same. Time to vacate the premises granted for one year on the Petitioner, and members of her family including her daughter and the son-in-law furnishing undertakings in usual terms within four weeks from today.